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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,246	07/23/2001	Scotlund Stivers		4798

7590 01/26/2005  
Scotlund Stivers  
c/o H. Keith Dubois  
General Consul for Michigan  
P.O. Box 481  
West Branch, MI 48661

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicati n No. 09/911,246	Applicant(s) STIVERS, SCOTLUND <span style="float: right;">ED</span>	
	Examin r Jiping Lu	Art Unit 3749	

-- Th MAILING DATE of this c mmunication app ars on the cov r sheet with the correspondenc address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 1-2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. Currently, claims 1 is in two sentences form.

2. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2 are vague and indefinite. In apparatus claim, the applicant should define each and every element by its structure or means plus function language. Each defined element should be structurally interconnected with the previous defined element. It is not clear how the claimed diagonal and vertical tubes are interconnected with the partially filled vessels. The claimed exemplary arrangement is not understood. For example, it is not clear from the claim 1 how the claimed steam drum, pressure vessel, container, outside vent or drain are interconnected to form the pressured system. Claim 2 contains no structure or means plus function except for functional statement and desired results. Again, it is not clear how the claimed system is protected from excessive pressure. The phrase "and or" in claims 1-2 renders the claim vague

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and indefinite because it is not clear whether the claimed limitation is "and" or "or". Regarding claim 1, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "etc" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "etc"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim and should be canceled.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Arant (U. S. Pat. 3,834,355) or Tsao (U. S. Pat. 4,074,660) or Bekedam (U. S. Pat. 5,728,200).

Arant or Tsao or Bekedam all disclose an apparatus and method for releasing the pressure generated by the steam in the boiler. Arant shows vessel 46 which holds down and contains fluid until predetermined pressure is exceeded. The top area (below 46a) of the vessel 46 is open (at clearance, see col. 4) to the exterior ambient or a safe place same as the broad claims. Tsao

shows vessel 10', 10'' which holds down and contains fluid until predetermined pressure is exceed. The top area of the vessel 10', 10'' is open (at 22', 22'') to the exterior 26 or to a safe place or additional units for further uses. Bekedam shows vessel 14 which holds down and contains fluid until predetermined pressure is exceeded. The top area 38 of the vessel 14 is open (at 72) to the exterior ambient or a safe place or additional units for further uses. There is no structural differences between the claimed features and each of the prior art references.

### ***Response to Arguments***

6. Applicant's arguments filed 6/3/2002 have been fully considered but they are not persuasive to overcome the rejection. (1) Broad claims presented fail to structurally define the prior art references. The claims merely call for a vessel filled with fluid until a pre-designed pressure is exceeded. The top areas of the vessel or tubes are open to the exterior for pressure relief or excessive pressure protection. This is common in the water heating or steam generating art. The claims fail to include any structure that the prior art references do not show. (2) The arguments regarding Arant patent are not persuasive because the claims fail to distinguish over the Arant patent. There is no structural difference between claims 1-2 and this patent. (3) The arguments regarding Tsao patent are not persuasive because the claims fail do not recite anything about closed or open system. Again, claims fail to distinguish over the Tsao patent. (4) The arguments regarding Bekedam patent are not persuasive because the claims fail to define over the Bekedam patent. There is nothing in the claims that relating to continuous open or closed operation. Nor do the claims recite any continuous protection of excessive pressure and explosion. There is no structural difference between claims 1-2 and this patent.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

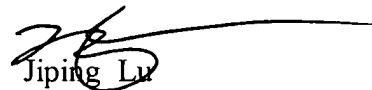
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.